

3/21/19

2:00 p.m.

Chapter No. 359
19/HR43/R1655SG
K+W180

HOUSE BILL NO. 1477

Originated in House



Clerk

HOUSE BILL NO. 1477

AN ACT TO AMEND SECTIONS 19-7-39 AND 21-37-21, MISSISSIPPI CODE OF 1972, TO AUTHORIZE COUNTIES AND MUNICIPALITIES, IN THEIR DISCRETION, TO EXPEND FUNDS FOR THE MAINTENANCE AND REPAIR OF ABANDONED PUBLIC AND PRIVATE NONPROFIT CEMETERIES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 19-7-39, Mississippi Code of 1972, is amended as follows:

19-7-39. The board of supervisors of any county * * * is authorized, in its discretion, to maintain and repair any abandoned public or private nonprofit cemetery located within the county but located outside the corporate boundary of any municipality in the county. The expense of such maintenance may be paid from any available county funds. For the purposes of this section, the term "public or private nonprofit cemetery" includes an abandoned community, religious or fraternal cemetery; however, the term does not include family burial grounds or a for-profit perpetual care cemetery that is subject to Sections 41-43-31 through 41-43-57. "Abandoned cemetery" means a cemetery which

shows signs of neglect, including, without limitation, the unchecked growth of vegetation, repeated and unchecked acts of vandalism, or the disintegration of grave markers or boundaries and for which no person can be found who is legally responsible and financially capable of the upkeep of such cemetery.

The board of supervisors of any county is authorized to accept, in the name of the county, title by deed to any cemetery located within the county but located outside the corporate boundary of any municipality in the county which, due to age, abandonment of graves by private owners or for other good cause, is not being properly maintained or repaired and thereby have become detrimental to the public health and welfare. No acceptance of title by deed shall be valid unless a motion thereof shall be made at a regular or special meeting of the board, adopted by a majority of the board's membership, and entered upon the minutes. No county funds or other public funds shall be expended by the board for the purpose of purchasing such cemetery. The board shall have the power to maintain, repair, enlarge, fence or otherwise improve any cemetery, title to which has been accepted by the board.

SECTION 2. Section 21-37-21, Mississippi Code of 1972, is amended as follows:

21-37-21. The governing authorities of municipalities shall have the power and authority to maintain, repair, and enlarge all of the public cemeteries owned or controlled by such

municipalities, within or without the municipal limits, at the expense of the treasury of such municipality.

The governing authorities of a municipality, in its discretion, may maintain and repair any abandoned public or private nonprofit cemetery located within the corporate boundaries of the municipality. The expense of the maintenance of an abandoned public or private nonprofit cemetery may be paid from any available municipal funds. For the purposes of this section, the term "public or private nonprofit cemetery" includes an abandoned community, religious or fraternal cemetery; however, the term does not include family burial grounds or a for-profit perpetual care cemetery that is subject to Sections 41-43-31 through 41-43-57. "Abandoned cemetery" means a cemetery which shows signs of neglect, including, without limitation, the unchecked growth of vegetation, repeated and unchecked acts of vandalism, or the disintegration of grave markers or boundaries and for which no person can be found who is legally responsible and financially capable of the upkeep of such cemetery.

Should there be situated wholly within the corporate limits of any municipality a cemetery which, because of age, abandonment of graves by private owners, or for other good cause, is not being properly maintained, and thereby becomes detrimental to the public health and welfare, and should the governing authorities of that municipality determine that it is to the best interest of the * * * municipality that the municipality assume the

maintenance of such cemetery, then such governing authorities shall have the power and they are hereby authorized to acquire title to such cemetery by gift, purchase, eminent domain, or otherwise and are authorized to thereafter maintain, repair, enlarge, fence or otherwise improve such cemetery.

The governing authorities of any municipality having a population in excess of seven thousand five hundred (7,500) according to the latest available federal census and being located in a county having an area in excess of eight hundred twenty-five (825) square miles which is traversed by a link of the National System of Interstate and Defense Highways, may, in its discretion, appoint a cemetery board of trustees of not less than five (5) nor more than seven (7) members to serve for staggered terms of office with full power and authority to administer and operate its cemetery, including but not limited to authority for the establishment of a fund, from a portion of the proceeds from the sale of cemetery lots, to be held in trust and invested by * * * the trustees to the end of insuring perpetual care and maintenance of * * * the cemetery with the least possible tax levies. The municipal governing authorities and the trustees are authorized and empowered to promulgate and adopt reasonable rules and regulations, not inconsistent with law, deemed essential in carrying out the provisions of this section.

SECTION 3. This act shall take effect and be in force from
and after July 1, 2019.

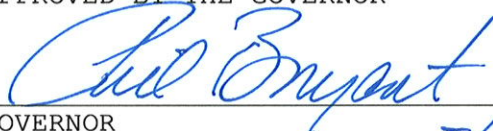
PASSED BY THE HOUSE OF REPRESENTATIVES
February 13, 2019


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 7, 2019


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR

3/21/2019

2:50pm